

PATENT  
Attorney Docket No.: JHU1120-11

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lee and McPherron Art Unit: 1646  
Application No.: 09/628,112 Examiner: J. Andres  
Filed: July 27, 2000  
Title: PROMYOSTATIN PEPTIDES (As amended)

Box AF  
Commissioner for Patents  
Washington, DC 20231

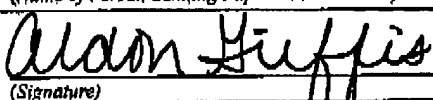
TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioner, THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE ("Assignee"), with its place of business at 111 Market Place, Suite 906, Baltimore, MD 21202, represents that Petitioner is the Assignee of 100 percent interest in Application No. 09/628,112, filed July 27, 2000, entitled PROMYOSTATIN PEPTIDES (As amended), as evidenced by the Assignment recorded in the United States Patent and Trademark Office on November 24, 1995 at Reel 7734, Frame 0868.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

09/16/2002 DTHOMAS 00000002 501355 09628112  
02 FC:148 110.00 CH

CERTIFICATION UNDER 37 CFR §1.6(d)	
I hereby certify that the documents referred to as enclosed herein are being transmitted via facsimile [(703) 872-9306] on September 12, 2002 to: Box AF, Commissioner for Patents, Washington, DC 20231. (ATTN: Janet Andres, Ph.D., Examiner)	
Aldon Griffiths (Name of Person Sending Paper Via Facsimile)	
 (Signature)	September 12, 2002 (Date)

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104659-160348

In the Application of:  
Lee and McPherron  
Application No.: 09/628,112  
Filed: July 27, 2000  
Page 2

PATENT  
Attorney Docket No. JHU1120-11

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE, disclaims the terminal part of any patent granted on the above-identified Application No. 09/628,112 which would extend beyond the expiration date of U.S. Patent No. 5,827,733. Petitioner hereby agrees that any patent so granted on the above-identified application No. 09/628,112 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,827,733, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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104659-160348

In the Application of:  
Lee and McPherron  
Application No.: 09/628,112  
Filed: July 27, 2000  
Page 3

PATENT  
Attorney Docket No. JHU1120-11

The fees total \$110.00; consisting of \$55.00 for the One (1) Month Extension of Time fee and \$55.00 for the Terminal Disclaimer fee. The Commissioner is hereby authorized to charge these fees and any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,

Date: September 12, 2002

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